

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**2 SISTERS FOOD GROUP, INC. AND  
FRESH & EASY NEIGHBORHOOD  
MARKET, INC.**

**and**

**Cases 21-CA-038915  
21-CA-038932**

**UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL UNION,  
LOCAL 1167**

**2 SISTERS FOOD GROUP, INC.**

**and**

**Case 21-RC-021137**

**UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL UNION**

**ORDER<sup>1</sup>**

The petition to revoke subpoena duces tecum B-1-M0590Z, filed by JBS USA, LLC, the Petitioner, is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoenas.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir.

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> The Petitioner asserts, among other things, that evidence sought by numerous paragraphs of the subpoena does not exist. Some of the documents responsive to these requests, including, for example, the application packets provided to Fresh & Easy employees for employment with the Petitioner and correspondence with employees, customers, and suppliers about the Petitioner's purchase of Fresh & Easy's assets, are normal business records that are routinely maintained by employers. The subpoena cannot compel the Petitioner to produce documents that it does not possess. However,

1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507(4th Cir. 1996).

Dated, Washington, D.C., July 1, 2015.

KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III	MEMBER
LAUREN McFERRAN,	MEMBER

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the subpoena does compel the Petitioner to conduct a thorough search of the documents in its possession for the requested information. If the information is found, it must be produced. If the information cannot be found, the Petitioner must affirmatively represent to the Region that no responsive documents exist for specific subpoena requests.